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20 UNITED STATES DISTRICT COURT
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22 NORTHERN DISTRICT OF CALIFORNIA

23 KEITH RHINEHART,

24 No. C-09-0741 SI

25 Plaintiff,

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27 **STIPULATION AND [PROPOSED] ORDER
28 TO CONTINUE MEDIATION DEADLINE**

vs.

UNITED PARCEL SERVICE, INC., and
DOES 1 through 25, inclusive,

Defendants.

STIPULATION AND [PROPOSED] ORDER
TO CONTINUE MEDIATION DEADLINE

STIPULATION

1. On May 6, 2009, following the initial case management conference, the Court ordered the parties to complete mediation within 150 days, or October 5, 2009.

2. The parties have participated in several telephone conferences with the Court's ADR staff and the court-appointed mediator. During these conversations, it has been difficult to schedule the mediation given the parties' conflicting trial schedules and the pendency of 53 other individual wage-and-hour lawsuits against United Parcel Service, Inc. alleging the same causes of action Plaintiff alleges in this action. The parties believe that until further cases proceed to trial, they will be unable to mediate a compromised valuation of Plaintiff's claim.

3. In addition, scheduling is made more difficult by the pendency of *Lopez v. United Parcel Service, Inc.*, No. C-08-5396 SI, and *Kline v. United Parcel Service, Inc.*, No. C-09-0742 SI, which are both before this Court, involve the same parties and legal claims, and have the same deadline to complete mediation.

4. Based on their trial schedules, the progress of discovery, and the desire to mediate this case in conjunction with its related cases, the parties agree to continue the deadline to complete mediation to December 31, 2009, and ask the Court adopt the parties' stipulation.

Dated: September 3, 2009. PAUL, HASTINGS, JANOFSKY & WALKER LLP
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By: /s/ Rishi N. Sharma
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DATED: September 3, 2009. DUCKWORTH • PETERS • LEBOWITZ LLP
FURUTANI & PETERS LLP

By: /s/ Mark C. Peters
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KEITH RHINEHART

[PROPOSED] ORDER

Good causing appearing, the Court adopts the parties' stipulation as the order of the Court. The deadline to complete mediation is extended from October 5, 2009, to December 31, 2009.

IT IS SO ORDERED.

Dated: September __, 2009.

Susan Illston

Susan Illston
United States District Judge